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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,077	10/05/2000	Alexander S. Zharkov	9585-2	8243

23973 7590 10/23/2002

DRINKER BIDDLE & REATH
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER

NELSON, PETER A

ART UNIT PAPER NUMBER

3641

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-37 is/are pending in the application.
- Of the above claim(s) 23-37, nonelected w/ trailers is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-22 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-10, 1820 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Alexandris.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexandris.

The reference teaches a segmented charge with both coated and uncoated segments. This claim recites an expanded burning surface, but other than reciting a formula, it fails to state what the surface is. It would be obvious to expand the surface area, if that is what occurs, in accordance with the formula herein.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexandris.

This claim recites a plural array of bare charges. The reference teaches one of each. It would be obvious to use a plural arrangement of each if desired.

6. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexandria in view of Venghiattis.

Alexandris teaches a gas generator charge with central channel, Venghiattis teaches a cable and central igniter arrangement for use in a well. It would be obvious to an artisan desiring to use the charge of Alexandris in a borehole to use the cable and igniter array of Venghiattis therefore.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexandris in view of Trost.

Trost teaches the use of radical slots within a fracturing tool. It would be obvious to put the slots of Trost in the Alexandris device if alteration of the burn characteristics is desired.

8. Claim 23-37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

9. Applicant's election with traverse of Group I in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the claims do not exclude the items set forth in the restriction. This is not found persuasive because the claims do contain distinctive aspects to each invention. Some claims recite items that are part of one, but the scope in toto remains different. Again, applicant is referred to the examples within the restriction.

The requirement is still deemed proper and is therefore made FINAL.


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Any inquiry concerning this communication should be directed to Peter Nelson at telephone number 703-306-4166.

Nelson/cw
October 10, 2002


PETER A. NELSON
PRIMARY EXAMINER